APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2697	

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 November 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _5 and 6_ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Drawings

2.   New corrected drawings are required in this application because all figures have

handwritten text in the figures. The hand drawn lines in the figures should also be replaced as

they obscure the drawings, particularly in figure 5. Applicant is advised to employ the services of

a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. The corrected drawings are required in reply to the Office action

to avoid abandonment of the application. The requirement for corrected drawings will not be

held in abeyance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 2, 4-12, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Krishnarajah et al (USP 2003/0081592, hereinafter Krishnarajah). Referring to claim 1,

Krishnarajah discloses a method comprising: identifying a first part of the payload of a packet

and a second part of the payload of said packet; classifying one of said first part and said second part as being more important and classifying said other part as being less important; and transmitting said more important part of said packet on a different bearer (differently) than said less important part of said packet (paragraph [0036-0038]).

- Referring to claim 2, Krishnarajah discloses the method of claim 1, wherein said packet comprises a UDP packet (paragraph [0053]).

- Referring to claim 4, Krishnarajah discloses the method of claim 1, wherein said transmitting comprises transmitting said more important part using a first radio bearer and transmitting said less important part using a second radio bearer (paragraph [0036-0038]).

- Referring to claim 5, Krishnarajah discloses the method of claim 4, wherein said transmitting further comprises transmitting said more important part using stronger error protection scheme (channel coding) than error protection scheme (channel coding) for said less important part (paragraph [0036-0038]).

- Referring to claim 6, Krishnarajah discloses the method of claim 1, wherein said packet comprises an RTP packet (paragraph [0047]).

- Referring to claim 7, Krishnarajah discloses the method of claim 6, wherein said classifying is based on data in the RTP header extension (payload type, paragraph [0069]-[0070]).

- Referring to claim 8, Krishnarajah discloses the method of claim 1, further comprising receiving said packet from a multimedia network (paragraph [0032]).

- Referring to claim 9, Krishnarajah discloses the method of claim 8, wherein said packet is received at a UMTS system (paragraph [0032]).

- Referring to claim 10, Krishnarajah discloses the method of claim 9, wherein said first part and said second part of said packet are transmitted over a radio access network to a mobile terminal (paragraph [0049]-[0054]).

- Referring to claim 11, Krishnarajah discloses a method of transmitting a packet comprising: transmitting a first part of said packet across a radio access network using a first radio bearer; and transmitting a second part of said packet across said radio access network using a second radio bearer (paragraph [0036-0038]).

- Referring to claim 12, Krishnarajah discloses the method of claim 11, wherein said packet comprises a UDP packet (paragraph [0053]).

- Referring to claim 14, Krishnarajah discloses the method of claim 11, wherein transmitting said first part comprises transmitting said first part using a first type of error protection scheme (channel coding), and transmitting said second part comprises transmitting said second part using a second type of error protection scheme (channel coding), said first type of error protection scheme (channel coding) being greater than said second type of error protection scheme (channel coding, paragraph [0036-0038]).

- Referring to claim 15, Krishnarajah discloses the method of claim 11, wherein said packet comprises an RTP packet (paragraph [0053]).

- Referring to claim 16, Krishnarajah discloses the method of claim 15, further comprising determining said first class (part) and said second class (part) based on data in a RTP header extension (payload type field) of said RTP packet (paragraph [0069]-[0070]).

- Referring to claim 17, Krishnarajah discloses the method of claim 11, further comprising receiving a packet from a multimedia network (paragraph [0032]).

- Referring to claim 18, Krishnarajah discloses an apparatus to communicate a packet, said apparatus including structure to identify a first part of said packet and a second part of said packet, and structure to transmit said first part of said packet across a radio access network using a first radio bearer and to transmit said second part of said packet across said radio access network using a second radio bearer (paragraph [0036-0038]).

- Referring to claim 19, Krishnarajah discloses the apparatus of claim 18, wherein said structure is provided in a mobile terminal (paragraph [0049]).

- Referring to claim 20, Krishnarajah discloses the apparatus of claim 18, wherein said structure is provided in said radio access network so as to transmit said first part and said second part to a mobile terminal (paragraph [0049]).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnarajah in view of Larzon et al (*UDP Lite for Real Time Multimedia Applications*, hereinafter Larzon). Referring to claims 3 and 13, Krishnarajah discloses the method of claim 2 and 12, but does not expressly disclose wherein said classifying is based on data in a checksum coverage field of said UDP packet. Larzon discloses a system where the checksum field refers to the part of the UDP packet that is sensitive to errors (section 2.1, UDP Lite Basic Design). The

system of Krishnarajah could be modified to inspect the checksum field of the UDP packet to determine which sections of the packet need a higher level of error protection than the other. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the system of Krishnarajah, with the ability to inspect the UDP checksum field to determine which section of the UDP packet need higher levels of error protection. One of ordinary skill in the art would have been motivated to do this since the checksum field identifies which areas of the UDP packet can tolerate errors, and those that cannot.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Swickhamer whose telephone number is (703) 306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305.4798. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9571 for regular communications and (703) 872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305.3900.

CMS
July 22, 2003

RICKY NGO
PRIMARY EXAMINER